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THORPE NORTH & WESTERN, LLP.
P.O. Box 1219
SANDY, UT 84091-1219

EXAMINER	
SQUIRES, ELIZA A	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/763,066	DICKSON, DANE J.	
	Examiner	Art Unit	
	Eliza Squires	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *21 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/21/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to the application filed on 21 January 2004. Claims 1-44 are pending.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claims 1-13 and 38-44** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 is directed toward a "presentation system" the system is comprised of a report with specific formatting requirements, this is not a proper apparatus claim as there are no structural elements to which the report is tied, therefore the claimed invention is directed toward non-functional descriptive material or if applied to an electronic application software per se which is not one of a process, apparatus, or article of manufacture. The claims are therefore rejected under 35 USC 101.

3. **Claims 14-37** are rejected under 35 U.S.C. 101. Based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to a machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In re Bilski et al, 88 USPQ 2d 1385 CAFC (2008); Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim

should positively recite the particular machine to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps fail the first prong of the new Federal Circuit decision since they are not tied to a machine and can be performed without the use of a particular machine.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 1-13 and 38-44** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. **Claims 1-13 and 38-44** recite a system yet the claim does not provide structural elements necessary to meet the definition of a system, the claims provide only disembodied descriptive material.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. **Claims 1-2, 9-15, 22-27, and 34-38** are rejected under 35 U.S.C. 102(a) as being anticipated by *Cognigen* Corporation posters for American Society for Clinical Pharmacology and Therapeutics meeting of April 2003 as demonstrated by "Pharmacokinetic/Pharmacodynamic analysis of data from a phase III trial of linezolid IV/PO for the treatment of resistant gram-positive bacterial infections in children" by *Rubino* et al. and "Comparison of censored regression (CR) vs standard regression (SR) analyses for modeling relationships between minimum inhibitory concentrations (MIC) and patient- and institution-specific variables" by *Hammel et al.* Hereinafter the combination of the two posters are refered to as *Cognigen,* individually the reports will be referred to by the name of the primary authors, *Rubino* and *Hammel* respectively.

8. **As to claim 1,** *Cognigen* teaches A presentation system for consistently and succinctly presenting information contained in multiple clinical trial reports, comprising a collection of individual summary reports, each individual summary report of the collection:

a) being associated with a clinical trial report of the multiple clinical trial reports (*Cognigen.* Examiner notes that *Hammel* is inherently associated with a clinical trial report published in the journal "Antimicrobial Agents and Chemotherapy" under the same title);

b) being organized using a template common to other of the individual summary reports (*Cognigen* wherein *Hammel* and *Rubino* are of the same template); and

c) having information displayed thereon in a plurality of spatially distinct, predefined regions, each of the predefined regions having an information type associated therewith, the plurality of spatially distinct, predefined regions including:

i) a bibliographical region, including bibliographical information relating to the clinical trial report (*Cognigen* specifically see the top of the page where the title, authors, and related corporations are denoted);

ii) a patient characteristic region, including patient characteristic information relating to patients treated in a clinical trial reported in the clinical trial report (*Cognigen* specifically see *Rubino* "Methods" section wherein "patients aged from birth to 11 years including term and preterm infants with suspected or proven resistant gram-positive bacterial infections…");

iii) an end point region, including end point information relating to at least one end point of the clinical trial (*Cognigen* specifically see *Rubino* "Methods" section wherein "Planed duration of therapy was to be at least 10 days with a maximum of 28 days"); and

iv) an arm region, including arm information relating to at least one arm of the clinical trial (*Cognigen* specifically see *Rubino* "Results" section).

9. **As to claim 2,** see the discussion of claim 1, additionally, *Cognigen* discloses the system wherein each spatially distinct, predefined region further includes a title uniquely associated with

the information type associated with and displayed in the spatially distinct region (*Cognigen* see titles "Abstract", "Introduction", "Objectives", "Methods" etc.).

10. **As to claim 9,** see the discussion of claim 1, additionally, *Cognigen* discloses the system wherein the arm region includes information of a type selected from the group consisting of arm-specific information relating to at least one arm of the clinical trial (*Cognigen* see *Rubino* "Results" section).

11. **As to claim 10,** see the discussion of claims 1 and 9, additionally, *Cognigen* discloses the system wherein the arm region having arm-specific information included therein has a visibly identifiable color associated therewith, the visibly identifiable color being distinct from visibly identifiable colors associated with other arm-specific arm regions of the individual summary report (*Cognigen* see *Rubino* figures 1-6).

12. **As to claim 11,** see the discussion of claim 1, additionally, *Cognigen* discloses the system wherein at least one spatially distinct arm region of the individual summary report further includes an administration region containing information relating to administration of treatment during the clinical trial (*Cognigen* see *Rubino* "Methods" section).

13. **As to claim 12,** see the discussion of claim 1, additionally, *Cognigen* discloses the system wherein the information displayed in at least one of the spatially distinct, predefined regions includes graphically-presented information (*Cognigen* see *Rubino* "Results" section).

14. **As to claim 13,** see the discussion of claim 1, additionally, *Cognigen* discloses the system wherein the individual summary report further includes a spatially distinct, predefined medical category region having medical category information contained therein (*Cognigen* see *Rubino* title).

15. **As to claim 14,** *Cognigen* discloses a method of consistently and succinctly presenting information from multiple clinical trial reports, comprising the step of generating a collection of individual summary reports each associated with a clinical trial report of the multiple clinical trial reports, each of the individual summary reports having a template common to other of the individual summary reports, and each of the individual summary reports being prepared by:

a) displaying bibliographical information relating to the clinical trial report in a spatially distinct, predefined bibliography region (*Cognigen* specifically see the top of the page where the title, authors, and related corporations are denoted);

b) displaying patient characteristic information relating to patients treated in a clinical trial reported in the clinical trial report in a spatially distinct, predefined patient characteristic region (*Cognigen* specifically see *Rubino* "Methods" section wherein "patients aged from birth to 11 years including term and preterm infants with suspected or proven resistant gram-positive bacterial infections…");

c) displaying end point information relating to end points of the clinical trial in a spatially distinct, predefined end point region (*Cognigen* specifically see *Rubino* "Methods" section wherein "Planned duration of therapy was to be at least 10 days with a maximum of 28 days"); and

d) displaying arm information relating to at least one arm of the clinical trial in a spatially distinct, predefined arm region (*Cognigen* specifically see *Rubino* "Results" section).

16. **As to claim 15,** see the discussion of claim 14, additionally, *Cognigen* discloses the method comprising the further step of displaying a title within each spatially distinct, predefined region, said title being uniquely associated with an information type associated with and

displayed in the spatially distinct region (*Cognigen* see titles "Abstract", "Introduction", "Objectives", "Methods" etc.).

17. **As to claim 22,** see the discussion of claim 14, additionally, *Cognigen* discloses the method wherein the arm region includes information of a type selected from the group consisting of arm-specific information relating to at least one arm of the clinical trial (*Cognigen* see *Rubino* "Results" section).

18. **As to claim 23,** see the discussion of claim 14 and 22, additionally, *Cognigen* discloses the method comprising the further step of associating a visibly identifiable color with the arm region containing the arm-specific information, said visibly identifiable color being distinct from visibly identifiable colors associated with other arm-specific arm regions of the individual summary report (*Cognigen* see *Rubino* figures 1-6).

19. **As to claim 24,** see the discussion of claim 14, additionally, *Cognigen* discloses the method comprising the further step of graphically displaying information in at least one of the spatially distinct, predefined regions (*Cognigen* see *Rubino* "Results" section).

20. **As to claim 25,** see the discussion of claim 14, additionally, *Cognigen* discloses the method wherein at least one spatially distinct arm region of the display further includes an administration region containing information relating to administration of treatment during the clinical trial (*Cognigen* see *Rubino* "Methods" section).

21. **As to claim 26,** *Cognigen* teachesA method for distilling and succinctly and consistently presenting information from multiple clinical trial reports, comprising the steps of:

a) generating a collection of individual summary reports each associated with a clinical trial report of the multiple clinical trial reports, each of the individual summary reports having a

template common to other of the individual summary reports (*Cognigen.* Examiner notes that *Hammel* is inherently associated with a clinical trial report published in the journal "Antimicrobial Agents and Chemotherapy" under the same title);

b) culling from the multiple clinical trial reports information relating to each of a group of information types;

c) preparing each of the individual summary reports by:

i) displaying bibliographical information relating to the clinical trial report in a spatially distinct, predefined bibliography region (*Cognigen* specifically see the top of the page where the title, authors, and related corporations are denoted);

ii) displaying patient characteristic information relating to patients treated in a clinical trial reported in the clinical trial report in a spatially distinct, predefined patient characteristic region(*Cognigen* specifically see *Rubino* "Methods" section wherein "patients aged from birth to 11 years including term and preterm infants with suspected or proven resistant gram-positive bacterial infections…");

iii) displaying end point information relating to end points of the clinical trial in a spatially distinct, predefined end point region (*Cognigen* specifically see *Rubino* "Methods" section wherein "Planed duration of therapy was to be at least 10 days with a maximum of 28 days"); and

iv) displaying arm information relating to at least one arm of the clinical trial in a spatially distinct, predefined arm region (*Cognigen* specifically see *Rubino* "Results" section).

22. **As to claim 27,** see the discussion of claim 26, additionally, *Cognigen* discloses the method comprising the further step of displaying a title within each spatially distinct, predefined region, said title being uniquely associated with an information type associated with and displayed in the spatially distinct region (*Cognigen* see titles "Abstract", "Introduction", "Objectives", "Methods" etc.).

23. **As to claim 34,** see the discussion of claim 26, additionally, *Cognigen* discloses the method wherein the arm region includes information of a type selected from the group consisting of arm-specific information relating to at least one arm of the clinical trial (*Cognigen* see *Rubino* "Results" section).

24. **As to claim 35,** see the discussion of claims 26 and 34, additionally, *Cognigen* discloses the method comprising the further step of associating a visibly identifiable color with the arm region containing the arm-specific information, said visibly identifiable color being distinct from visibly identifiable colors associated with other arm-specific arm regions of the individual summary report (*Cognigen* see *Rubino* figures 1-6).

25. **As to claim 36,** see the discussion of claim 26, additionally, *Cognigen* discloses the method comprising the further step of graphically displaying information in at least one of the spatially distinct, predefined regions (*Cognigen* see *Rubino* "Results" section).

26. **As to claim 37,** see the discussion of claim 26, additionally, *Cognigen* discloses the method wherein at least one spatially distinct arm region of the display further includes an administration region containing information relating to administration of treatment during the clinical trial (*Cognigen* see *Rubino* "Methods" section).

27. **As to claim 38,** *Cognigen* discloses A presentation system for succinctly presenting information contained in a clinical trial report, comprising:

a) a summary report, having information displayed thereon in a plurality of spatially distinct, predefined regions, each of the predefined regions having an information type associated therewith, the plurality of spatially distinct, predefined regions including:

i) a bibliographical region, including bibliographical information relating to the clinical trial report (*Cognigen* specifically see the top of the page where the title, authors, and related corporations are denoted);

ii) a patient characteristic region, including patient characteristic information relating to patients treated in a clinic trial reported in the clinical trial report (*Cognigen* specifically see *Rubino* "Methods" section wherein "patients aged from birth to 11 years including term and preterm infants with suspected or proven resistant gram-positive bacterial infections…");

iii) an end point region, including end point information relating to at least one end point of the clinical trial (*Cognigen* specifically see *Rubino* "Methods" section wherein "Planned duration of therapy was to be at least 10 days with a maximum of 28 days");

iv) an arm region, including arm information relating to at least one arm of the clinical trial (*Cognigen* specifically see *Rubino* "Results" section); And

v) a regimen region, including graphically presented regimen information relating to at least one arm of the clinical trial (*Cognigen* specifically see *Rubino* "Methods" section).

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

29. **Claims 3-8, 16-21, 28-33, and 39-44** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cognigen* in view of OFFICIAL NOTICE.

30. **As to claim 3,** *Cognigen* discloses the system substantially as disclosed in claim 1 above; although the *Cognigen* reports may be viewed as well as printed in their native .pdf format the reference does not explicitly teach it as such. Examiner takes OFFICIAL NOTICE that displaying reports via a monitor and printing reports are old and well known in the art and one of ordinary skill would immediately associate such a report as disclosed by *Cognigen* with the ability to view the report via a computer system or print via a system connected with a printer. For example, the art is available via .pdf file which with the appropriate software renders the file viewable in addition Examiner was able to print said file from the software to the printer operatively connected to the computer system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined *Cognigen* with OFFICIAL NOTICE for the purpose of report distribution.

31. **As to claim 4,** see the discussion of claim 3, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 3 from which this claim is dependant. Claim 3 merely requires that a member selected from the

group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that the substrate comprises paper since a substrate is not necessarily required.

32. **As to claim 5,** see the discussion of claims 1, 3, and 4, additionally, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 3 from which this claim is dependant. Claim 3 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that the display comprises not more than two viewable pages of paper since a substrate is not necessarily required.

33. **As to claim 6,** see the discussion of claim 3-5, additionally, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 3 from which this claim is dependant. Claim 3 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that not more than two viewable pages of paper are disposed on opposing sides of a single sheet of paper since a substrate is not necessarily required. This is also true of claim 5 from which the claim depends since if the document was one side of printed paper it would not need to be printed on each side.

34. **As to claim 7,** see the discussion of claims 1 and 3-4, additionally, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in

claim 3 from which this claim is dependant. Claim 3 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that the display comprises a single viewable page of paper since a substrate is not necessarily required.

35. **As to claim 8,** see the discussion of claim 3, additionally, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 3 from which this claim is dependant. Claim 3 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that the display comprises a computer monitor since an electronic display device is not necessarily required.

36. **As to claim 16,** *Cognigen* discloses the system substantially as disclosed in claim 14 above; although the *Cognigen* reports may be viewed as well as printed in their native .pdf format the reference does not explicitly teach it as such. Examiner takes OFFICIAL NOTICE that displaying reports via a monitor and printing reports are old and well known in the art and one of ordinary skill would immediately associate such a report as disclosed by *Cognigen* with the ability to view the report via a computer system or print via a system connected with a printer. For example, the art is available via .pdf file which with the appropriate software renders the file viewable in addition Examiner was able to print said file from the software to the printer operatively connected to the computer system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined *Cognigen* with OFFICIAL NOTICE for the purpose of report distribution.

37. **As to claim 17,** see the discussion of claim 16, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 16 from which this claim is dependant. Claim 16 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that the substrate comprises paper since a substrate is not necessarily required.

38. **As to claim 18,** see the discussion of claims 16 and 17, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 16 from which this claim is dependant. Claim 16 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that the display comprises not more than two viewable pages of paper since a substrate is not necessarily required.

39. **As to claim 19,** see the discussion of claims 16-18, additionally, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 16 from which this claim is dependant. Claim 16 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that not more than two viewable pages of paper are disposed on opposing sides of a single sheet of paper since a substrate is not

necessarily required. This is also true of claim 18 from which the claim depends since if the document was one side of printed paper it would not need to be printed on each side.

40. **As to claim 20,** see the discussion of claims 16-17, additionally, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 16 from which this claim is dependant. Claim 16 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that the display comprises a single viewable page of paper since a substrate is not necessarily required.

41. **As to claim 21,** see the discussion of claim 16, additionally, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 16 from which this claim is dependant. Claim 16 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that the display comprises a computer monitor since an electronic display device is not necessarily required.

42. **As to claim 28,** *Cognigen* discloses the system substantially as disclosed in claim 26 above; although the *Cognigen* reports may be viewed as well as printed in their native .pdf format the reference does not explicitly teach it as such. Examiner takes OFFICIAL NOTICE that displaying reports via a monitor and printing reports are old and well known in the art and one of ordinary skill would immediately associate such a report as disclosed by *Cognigen* with the ability to view the report via a computer system or print via a system connected with a

printer. For example, the art is available via .pdf file which with the appropriate software renders the file viewable in addition Examiner was able to print said file from the software to the printer operatively connected to the computer system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined *Cognigen* with OFFICIAL NOTICE for the purpose of report distribution.

43. **As to claim 29,** see the discussion of claims 26 and 28, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 28 from which this claim is dependant. Claim 28 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that the substrate comprises paper since a substrate is not necessarily required.

44. **As to claim 30,** see the discussion of claim 26 and 28-29, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 28 from which this claim is dependant. Claim 28 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that the display comprises not more than two viewable pages of paper since a substrate is not necessarily required.

45. **As to claim 31,** see the discussion of claim 26 and 28-30, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in

claim 28 from which this claim is dependant. Claim 28 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that not more than two viewable pages of paper are disposed on opposing sides of a single sheet of paper since a substrate is not necessarily required. This is also true of claim 30 from which the claim depends since if the document was one side of printed paper it would not need to be printed on each side.

46. **As to claim 32,** see the discussion of claims 26 and 28-29, additionally, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 28 from which this claim is dependant. Claim 28 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that the display comprises a single viewable page of paper since a substrate is not necessarily required.

47. **As to claim 33,** see the discussion of claim 26 and 28, additionally, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 28 from which this claim is dependant. Claim 28 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that the display comprises a computer monitor since an electronic display device is not necessarily required.

48. **As to claim 39,** *Cognigen* discloses the system substantially as disclosed in claim 38 above; although the *Cognigen* reports may be viewed as well as printed in their native .pdf

format the reference does not explicitly teach it as such. Examiner takes OFFICIAL NOTICE that displaying reports via a monitor and printing reports are old and well known in the art and one of ordinary skill would immediately associate such a report as disclosed by *Cognigen* with the ability to view the report via a computer system or print via a system connected with a printer. For example, the art is available via .pdf file which with the appropriate software renders the file viewable in addition Examiner was able to print said file from the software to the printer operatively connected to the computer system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined *Cognigen* with OFFICIAL NOTICE for the purpose of report distribution.

49. **As to claim 40,** see the discussion of claims 38-39, additionally, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 39 from which this claim is dependant. Claim 39 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that the substrate comprises paper since a substrate is not necessarily required.

50. **As to claim 41,** see the discussion of claims 38-40, additionally, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 39 from which this claim is dependant. Claim 39 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As

such, it is not then required for prior art to demonstrate that the display comprises not more than two viewable pages of paper since a substrate is not necessarily required.

51. **As to claim 42,** see the discussion of claims 38-41, additionally, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 39 from which this claim is dependant. Claim 39 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that not more than two viewable pages of paper are disposed on opposing sides of a single sheet of paper since a substrate is not necessarily required. This is also true of claim 18 from which the claim depends since if the document was one side of printed paper it would not need to be printed on each side.

52. **As to claim 43,** see the discussion of claim 38-40, additionally, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 39 from which this claim is dependant. Claim 39 merely requires that a member selected from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that the display comprises a single viewable page of paper since a substrate is not necessarily required.

53. **As to claim 44,** see the discussion of claim 38-39, additionally, Examiner notes that each individual summary report is displayed on a display comprising a member selected from the group consisting of a substrate and an electronic display device are recited in the alternative in claim 16 from which this claim is dependant. Claim 16 merely requires that a member selected

from the group must be met to fall within the scope of the claims, not that each is required. As such, it is not then required for prior art to demonstrate that the display comprises a computer monitor since an electronic display device is not necessarily required.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eliza Squires whose telephone number is (571)270-7052. The examiner can normally be reached on Monday through Friday 8 am - 4 pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. S./
Examiner, Art Unit 3626
1/2/2009

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626